

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHORTER,

Plaintiff,

v.

SULLIVAN, *et al.*,

Defendants.

No. 1:20-cv-01823-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT THE
FEDERAL CLAIMS BE DISMISSED, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM AND THE COURT DECLINE TO
EXERCISE SUPPLEMENTAL
JURISDICTION OVER STATE LAW
CLAIMS

(Doc. No. 12)

Plaintiff Michael Shorter is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

In his second amended complaint, plaintiff describes an incident in which he fell, suffered a knee and back injury, and was allegedly not provided proper medical treatment by prison officials. Plaintiff alleges Eighth Amendment violations via several defendants' "deliberate indifference" to his serious medical needs. (Doc. No. 11.)

On August 5, 2021, the assigned magistrate judge screened the second amended complaint and issued findings and recommendations recommending that the federal claims in this action be dismissed due to plaintiff's failure to state a cognizable claim upon which relief may be granted

1 and that the court further decline to exercise supplemental jurisdiction over plaintiff's state law
2 claims. (Doc. No. 12.) Those findings and recommendations were served on plaintiff and
3 contained notice that any objections thereto were to be filed within fourteen (14) days after
4 service. (*Id.* at 11.) Following an extension of time, plaintiff timely filed objections on October
5 4, 2021. (Doc. No. 15.) Plaintiff objected to the magistrate judge's finding that the defendant's
6 actions, as pled, did not constitute excessive force or deliberate indifference sufficient to support
7 an Eighth Amendment claim.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
10 objections, the court concludes that the magistrate judge's findings and recommendations are
11 supported by the record and by proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on August 5, 2021, (Doc. No. 12), are adopted
14 in full;
- 15 2. Plaintiff's federal claims asserted in this action are dismissed with prejudice due to
16 plaintiff's failure to state a claim upon which relief may be granted;
- 17 3. The exercise of supplemental jurisdiction over plaintiff's state law claims is declined, and
18 plaintiff's state law claims are dismissed without prejudice to their being brought in an
19 action filed in state court; and
- 20 4. The Clerk of the Court is directed to close this case.

21 IT IS SO ORDERED.

22 Dated: **December 6, 2021**

23 
UNITED STATES DISTRICT JUDGE